



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,626	07/11/2001	Hideo Taka	35.G2852	7891

5514 7590 11/29/2002

FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

[REDACTED] EXAMINER

NGUYEN, MICHELLE P

ART UNIT	PAPER NUMBER
2851	

DATE MAILED: 11/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/901,626	TAKA, HIDEO
	Examiner Michelle Nguyen	Art Unit 2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 19 September 2002.
- 2a) This action is **FINAL**.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 11 July 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_ .
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3</u> . | 6) <input type="checkbox"/> Other: _____ .                                   |

## **DETAILED ACTION**

### ***Examiner's Notes***

1. Applicant's arguments filed September 19, 2002 have been fully considered but are not persuasive. Examiner notes that a memory circuit functions to merely store data, and not to perform arithmetic operations. In the amendment filed September 19, 2002, applicant refers to a memory circuit that counts clock signal pulses generated by a clock circuit and stores a count of the clock signal pulses (see Pg. 5, lines 7-8), which is further described in applicant's disclosure filed July 11, 2001 (see Pg. 6, line 14 to Pg. 7, line 2). Counting is an arithmetic operation involving the addition of numbers. Therefore, examiner does not see how a memory circuit, which is understood to only store data, can perform a counting operation.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the time-keeping circuit and ferroelectric memory circuit as separate structures must be shown or the features canceled from the claims (see claim 7). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 7-10 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 7 recites the limitation “a time-keeping circuit” and “a ferroelectric memory circuit” in lines 2 and 3, respectively. Applicant’s disclosure lacks a written description of a time-keeping circuit separate from a memory circuit. In fact, applicant’s disclosure teaches away from a structure in which the time-keeping and ferroelectric memory circuits are separate from one another. Applicant refers to a time-keeper that keeps time, teaching explicitly the time-keeper to be a ferroelectric memory circuit (see Pg. 6, line 17 to Pg. 7, line 2).

Claims 8-10 include all limitations set forth in claim 7.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 7-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation “a ferroelectric memory circuit that forms and stores a time signal” in line 3. Examiner considers the term “form” to be ambiguous in the context of the claim. It is understood from applicant’s disclosure that only the time-

keeping clock signal generation circuit described therein forms a time signal (see Pg. 7, lines 11-13).

Claims 8-10 include all limitations set forth in claim 7.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,854,950 to Handa et al.

With regard to claims 1 and 4, Handa et al. disclose an electronic apparatus (camera 1A) comprising:

a clock circuit (oscillation circuit 19) that generates a clock signal having clock signal pulses generated at a predetermined cycle (see Col. 2, lines 4-7, Figs. 1, 2); and

a non-volatile memory circuit (storage circuit 33, comparison judgment circuit 34, time counter 161) for counting clock signal pulses generated by the oscillation circuit 19 and storing a count of the clock signal pulses (see Col. 2, lines 4-7, Col. 4, lines 48-51, Fig. 2).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Handa et al. as applied to claim 1 above, and further in view of U.S. Patent No. 6,285,625 to Vogley.

Handa et al. do not teach the storage circuit 33 of the non-volatile memory circuit as discussed above with respect to claim 1 to comprise a ferroelectric memory. Instead, Handa et al. teach the storage circuit 33 to comprise an EEPROM (see Col. 4, lines 50-1). However, Vogley teaches that it is well known in the art to substitute a ferroelectric memory for an EEPROM, thereby teaching a ferroelectric RAM and an EEPROM to be art-recognized equivalents with respect to function (see Col. 7, lines 51-8). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute into the storage circuit of Handa et al. a ferroelectric memory for the EEPROM as taught by Vogley.

11. Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Handa et al. as applied to claims 1 and 4 above, respectively, and further in view of U.S. Patent No. 4,825,233 to Kanai et al.

With regard to claims 3 and 5, Handa et al. do not teach explicitly the camera 1A as discussed above with respect to claim 1 to comprise a control circuit. However, it is understood that a memory circuit requires a control circuit for enabling the storage and reading of data. Further, Kanai et al. disclose a camera having a clock circuit and a corresponding memory circuit, thereby rendering the camera of Kanai et al. analogous

to the camera 1A of Handa et al. (see Col. 2, lines 59-66, Figs. 1, 2). Kanai et al. teach the camera to further comprise a control circuit comprising a central processing unit for controlling the camera, wherein the control circuit controls the memory circuit so as to count the clock signal pulses in response to the clock signal generated by the clock circuit (see Col. 2, lines 59-66, Fig. 2). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate into the camera of Handa et al. the control circuit of Kanai et al. for enabling the storage and reading of data.

12. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Handa et al. as applied to claim 1 above, and further in view of Japanese Patent No. 06-250278 to Kitani et al. (computer-generated translation provided).

With regard to claim 6, Handa et al. do not teach a predetermined value to be added to the memory contents of the memory circuit 33 as discussed above with respect to claim 1 when a power supply battery for supplying power to the camera 1A is replaced. However, Kitani et al. disclose a camera comprising a clock circuit and a corresponding nonvolatile memory circuit, thereby rendering the camera of Kitani et al. analogous to the camera 1A of Handa et al. (see translation, Pg. 6, lines 25-33). Kitani teach the nonvolatile memory circuit to start counting in a state in which a predetermined value is added to the memory contents of the nonvolatile memory circuit when a power supply (power cell 43) for supplying power to the camera is replaced for eliminating the need for a backup supply voltage while still maintaining accuracy during time-keeping (see translation, Pg. 8, lines 4-13, Pg. 9, lines 4-6). Therefore, it would

have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate into the camera of Handa et al. the memory circuit of Kitani et al. for eliminating the need for a backup power supply while still maintaining accuracy during time-keeping.

13. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,854,950 to Handa et al. in view of U.S. Patent No. 6,285,625 to Vogley.

With regard to claim 7 and 9, Handa et al. disclose an electronic apparatus (camera 1A) comprising:

a time-keeping circuit (storage circuit 33, comparison judgment circuit 34, time counter 161) that keeps time (see Col. 2, lines 4-7, Figs. 1, 2); and

a memory circuit (oscillation circuit 19, frequency divider circuit 20, storage circuit 33, time counter 161) that forms and stores a time signal concerning time kept by the time-keeping circuit (see Col. 2, lines 4-7, Col. 4, lines 48-51, Fig. 2).

Handa et al. do not teach the storage circuit 33 of the memory circuit to comprise a ferroelectric memory. Instead, Handa et al. teach the storage circuit 33 to comprise an EEPROM (see Col. 4, lines 50-1). However, Vogley teaches that it is well known in the art to substitute a ferroelectric memory for an EEPROM, thereby teaching a ferroelectric RAM and an EEPROM to be art-recognized equivalents with respect to function (see Col. 7, lines 51-8). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute into the storage circuit of Handa et al. a ferroelectric memory for the EEPROM as taught by Vogley.

14. Claims 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Handa et al. in view of Vogley as applied to claim 7 above, and further in view of U.S. Patent No. 4,825,233 to Kanai et al.

With regard to claims 8 and 10, Handa et al. do not teach explicitly the camera 1A as discussed above with respect to claim 7 to comprise a control circuit. However, it is understood that a memory circuit requires a control circuit for enabling the storage and reading of data. Further, Kanai et al. disclose a camera having a time-keeping circuit and a corresponding memory circuit, thereby rendering the camera of Kanai et al. analogous to the camera 1A of Handa et al. (see Col. 2, line 59 to Col. 3, line 18, Figs. 1, 2). Kanai et al. teach the camera to further comprise a control circuit comprising a central processing unit for controlling the camera, wherein the control circuit controls the memory circuit so as to store a time signal for the time-keeping circuit in response to time-keeping by the time-keeping circuit (see Col. 2, line 59 to Col. 3, line 18, Fig. 2). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate into the camera of Handa et al. the control circuit of Kanai et al. for enabling the storage and reading of data.

### ***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are provided to further show the state of the art.

U.S. Patent No. 6,256,452 to Yamamoto discloses a camera comprising a control circuit that controls the camera.

U.S. Patent No. 5,790,878 to Anderson et al. discloses a camera comprising a memory having therein a counter having a separate structure from the memory.

U.S. Patent No. 4,368,482 to Machida et al. discloses a camera comprising reversible counters adapted for holding a counted value.

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Nguyen whose telephone number is 703-305-2771. The examiner can normally be reached on M-F 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on 703-308-2847. The fax phone numbers for

the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4900.

mpn  
November 20, 2002



RUSSELL ADAMS  
SUPPLYING PATENT EXAMINER  
TECHNOLOGY CENTER 2800